

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **VACCINE AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF NEISSERIAL INFECTIONS.**

The specification of which was filed on January 31, 2002 as application serial no. 10/066,551.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/266,070	January 31, 2001
60/310,356	August 6, 2001
60/344,452	October 23, 2001

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Attorney Docket No.: 875.045US1  
Serial No. 10/066,551  
Filing Date: January 31, 2002

Page 2 of 4

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Haack, John L.	Reg. No. 36,154	Nama, Kash	Reg. No. 44,255
Arora, Sunee	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650
Beckman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Nielsen, Walter W.	Reg. No. 25,539
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Gornie, Gregory J.	Reg. No. 36,530	McTavish, Hugh E.	Reg. No. 48,341	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Mehrle, Joseph P.	Reg. No. 45,535	Woessner, Warren D.	Reg. No. 30,440
Graves, John N.	Reg. No. 40,362	Muller, Mark V.	Reg. No. 37,509		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Michael A. Apicella

Citizenship: United States of America

Residence: Solon, IA

Post Office Address: 2646 Johnsons Crossing, N.E.  
Solon, IA 52333

Signature: \_\_\_\_\_

Michael A. Apicella

Date: \_\_\_\_\_

11/25/02

Full Name of joint inventor number 2: Jennifer L. Edwards

Citizenship: United States of America

Residence: Iowa City, IA

Post Office Address: 590 Foster Rd. #B4  
Iowa City, IA 52242

Signature: \_\_\_\_\_

Jennifer L. Edwards

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Bradford W. Gibson**  
Citizenship: **United States of America**  
Post Office Address: **1324 Peralta Avenue  
Berkeley, CA 94702**

Residence: **Berkeley, CA**

Signature: \_\_\_\_\_

Bradford W. Gibson

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : **Karoline Scheffler**  
Citizenship: **United States of America**  
Post Office Address: **Schmid-Ballauf-Weg 11  
80997 Muenchen  
Germany**

Residence: **80997 Muenchen, Germany**

Signature: \_\_\_\_\_

Karoline Scheffler

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Eric Brown**  
Citizenship: **United States of America**  
Post Office Address: **1921 Vallejo Street  
San Francisco, CA 94123**

Residence: **San Francisco, CA**

Signature: \_\_\_\_\_

Eric Brown

Date: \_\_\_\_\_

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Page 4 of 4

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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Citizenship: United States of America

Residence: Solon, IA

Post Office Address: 2646 Johnsons Crossing, N.E.  
Solon, IA 52333

Signature: \_\_\_\_\_

Michael A. Apicella

Date: \_\_\_\_\_

Full Name of joint inventor number 2: Jennifer L. Edwards

Citizenship: United States of America

Residence: Iowa City, IA

Post Office Address: 590 Foster Rd. #B4  
Iowa City, IA 52242

Signature: \_\_\_\_\_

Jennifer L. Edwards

Date: 12/02/02

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Citizenship: United States of America

Residence: Berkeley, CA

Post Office Address: 1324 Peralta Avenue  
Berkeley, CA 94702

Signature: \_\_\_\_\_

Bradford W. Gibson

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Karoline Scheffler

Citizenship: United States of America

Residence: 80997 Muenchen, Germany

Post Office Address: Schmid-Ballauf-Weg 11  
80997 Muenchen  
Germany

Signature: \_\_\_\_\_

Karoline Scheffler

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Eric Brown

Citizenship: United States of America

Residence: San Francisco, CA

Post Office Address: 1921 Vallejo Street  
San Francisco, CA 94123

Signature: \_\_\_\_\_

Eric Brown

Date: \_\_\_\_\_

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- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

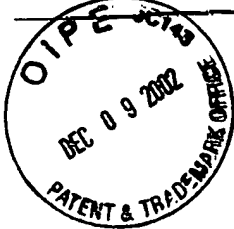
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11/25/02 13:42 FAX 6123393061

SCHWEGMAN, LUNDBERG, WOESSNER

002/005



Attorney Docket No. 875.0431JS1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

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Greaves, John N.	Reg. No. 40,362	Muller, Mark V.	Reg. No. 37,509		

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Telephone No. (612)373-6900

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Full Name of joint inventor number 1: Michael A. Apicella

Citizenship: United States of America

Residence: Solon, IA

Post Office Address: 2646 Johnsons Crossing, N.E.  
Solon, IA 52333

Signature: \_\_\_\_\_  
Michael A. Apicella

Date: \_\_\_\_\_

Full Name of joint inventor number 2: Jennifer L. Edwards

Citizenship: United States of America

Residence: Iowa City, IA

Post Office Address: 590 Foster Rd. #B4  
Iowa City, IA 52242

Signature: \_\_\_\_\_  
Jennifer L. Edwards

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

11/25/02 13:43 FAX 6123393061

SCHWEGMAN, LUNDBERG, WOES

004/005

Page 3 of 4

Attorney Docket No.: 875,045US1  
Serial No. 10/066,551  
Filing Date: January 31, 2002

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Full Name of joint inventor number 3: Bradford W. GibsonCitizenship: United States of AmericaResidence: Berkeley, CAPost Office Address: 1324 Peralta Avenue  
Berkeley, CA 94707Signature: Bradford W. GibsonDate: November 25, 2002Full Name of joint inventor number 4: Karoline SchefflerCitizenship: United States of AmericaResidence: 80997 Muenchen, GermanyPost Office Address: Schmid-Ballauf-Weg 11  
80997 Muenchen  
Germany

Signature: \_\_\_\_\_

Karoline Scheffler

Date: \_\_\_\_\_

Full Name of joint inventor number 5: Eric BrownCitizenship: United States of AmericaResidence: San Francisco, CAPost Office Address: 1921 Vallejo Street  
San Francisco, CA 94123

Signature: \_\_\_\_\_

Eric Brown

Date: \_\_\_\_\_

Attorney Docket No.: 875.045US1  
Serial No. 10/066,551  
Filing Date: January 31, 2002

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

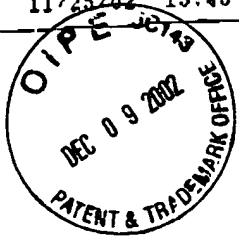
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



Attorney Docket No. 875.045US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **VACCINE AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF NEISSERIAL INFECTIONS.**

The specification of which was filed on January 31, 2002 as application serial no. 10/066,551.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/266,070	January 31, 2001
60/310,356	August 6, 2001
60/344,452	October 23, 2001

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

25/11/2002 20:50 6123393061  
11/25/02 13:48 FAX 6123393061

SCHWEGMAN, LUNDBERG, WOES

003/005

Page 2 of 4

Attorney Docket No.: 875.045US1  
Serial No. 10/066,551  
Filing Date: January 31, 2002

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael  
Arora, Sunell  
Beckman, Marvin L.  
Bianchi, Timothy E.  
Billion, Richard E.  
Black, David W.  
Brennan, Thomas F.  
Chadwick, Robin A.  
Clark, Barbara J.  
Clise, Timothy B.  
Cochran, David R.  
Dahl, John M.  
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Embreton, Janet E.  
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Gardon, Owen J.  
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Gortych, Joseph E.  
Graves, John N.

Reg. No. 24,916  
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Reg. No. 39,610  
Reg. No. 32,836  
Reg. No. 42,331  
Reg. No. 33,075  
Reg. No. 36,477  
Reg. No. 38,107  
Reg. No. 40,957  
Reg. No. 46,632  
Reg. No. 44,639  
Reg. No. 40,594  
Reg. No. 39,665  
Reg. No. 50,837  
Reg. No. 36,143  
Reg. No. 36,530  
Reg. No. 41,791  
Reg. No. 40,362

Kasack, John L.  
Harris, Robert J.  
Jackson Huebsch, Katharine A.  
Jurkovich, Paul J.  
Kahn, Janel M.  
Klimm-Silberg, Catherine L.  
Kluth, Daniel J.  
Lacy, Rodney L.  
Lemaire, Charles A.  
LeMoine, Dana B.  
Lundberg, Steven W.  
Maki, Peter C.  
Mullen, Peter L.  
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Schurman, Sherry W.  
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Speier, Gary J.  
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Reg. No. 31,884  
Reg. No. 45,416  
Reg. No. 37,748  
Reg. No. 30,440

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Citizenship: United States of America  
Post Office Address: 2646 Johnsons Crossing, N.E.  
Solon, IA 52333

Residence: Solon, IA

Signature: \_\_\_\_\_

Michael A. Apicella

Date: \_\_\_\_\_

Full Name of joint inventor number 2: Jennifer L. Edwards  
Citizenship: United States of America  
Post Office Address: 590 Foster Rd. #B4  
Iowa City, IA 52242

Residence: Iowa City, IA

Signature: \_\_\_\_\_

Jennifer L. Edwards

Date: \_\_\_\_\_

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SCHWEGMAN, LUNDBERG, WOES

0004/005

Page 3 of 4

Attorney Docket No.: 875.045US1  
Serial No. 10/066.551  
Filing Date: January 31, 2002

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Post Office Address: 1324 Peralta Avenue  
Berkeley, CA 94702

Residence: Berkeley, CA

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Bradford W. Gibson

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Citizenship: GERMANY  
Post Office Address: Schmid-Ballauf-Weg 11  
80997 Muenchen  
Germany

Residence: 80997 Muenchen, Germany

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Karoline Scheffler

Full Name of joint inventor number 5: Eric Brown  
Citizenship: United States of America  
Post Office Address: 1921 Vallejo Street  
San Francisco, CA 94123

Residence: San Francisco, CA

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Eric Brown

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Attorney Docket No.875.045US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

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Citizenship: United States of America

Residence: Solon, IA

Post Office Address: 2646 Johnsons Crossing, N.E.  
Solon, IA 52333

Signature: \_\_\_\_\_  
Michael A. Apicella

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Jennifer L. Edwards

Citizenship: United States of America

Residence: Iowa City, IA

Post Office Address: 590 Foster Rd. #B4  
Iowa City, IA 52242

Signature: \_\_\_\_\_  
Jennifer L. Edwards

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 875.045US1

Page 3 of 4

Serial No. 10/066,551

Filing Date: January 31, 2002

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Full Name of joint inventor number 3 : Bradford W. GibsonCitizenship: United States of AmericaResidence: Berkeley, CAPost Office Address: 1324 Peralta Avenue  
Berkeley, CA 94702

Signature: \_\_\_\_\_

Bradford W. Gibson

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Karoline SchefflerCitizenship: United States of AmericaResidence: 80997 Muenchen, GermanyPost Office Address: Schmid-Ballauf-Weg 11  
80997 Muenchen  
Germany

Signature: \_\_\_\_\_

Karoline Scheffler

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Eric BrownCitizenship: United States of AmericaResidence: San Francisco, CAPost Office Address: 1921 Vallejo Street  
San Francisco, CA 94123

Signature: \_\_\_\_\_

Eric Brown

Date: Nov 21 2002

Attorney Docket No.: 875.045US1  
Serial No. 10/066,551  
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Page 4 of 4

§ 1.56 Duty to disclose information material to patentability.

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- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.